

DETAILED ACTION

Drawings

1. The drawings submitted on 10/31/2003 are in compliance with 37 CFR § 1.81 and 37 CFR § 1.83 and have been accepted by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-22 are rejected under 35 U.S.C. 102 (a) as being anticipated by Mathews ET al. (USPUB 2003/0098879).

With regards to claims 1 and 8 Mathews et al. (USPUB 2003/0098879) discloses a method & computer readable instructions for managing a testing task, said method comprising:

receiving a plurality of test cases to run(112;fig 3), each test case including a plurality of requirements for running said respective test case; (Page 3, Paragraph 0023, lines 1-3)

receiving an identification of a group of available test systems on which to run said test cases; (106; fig 3)

for each test case, determining a list of applicable test systems from said group that satisfy said requirements of said respective test case; (Page 3, Paragraph 0023, lines 21-23)

automatically selecting and starting test cases to run based on each respective list and said available test systems so that as many test cases as possible are run in parallel; (Page 3, Paragraph 0020, lines 19-21)(fig3)

when any test case finishes running and releases a test system to said group of available test systems, automatically selecting and starting an additional test case to run

if possible based on said respective list and said available test systems. (Page 3, Paragraph 0020, lines 7-11)(fig3) and providing the results of the testing task (30; figure 1) (126; fig 3)

With regards to claims 2, 9, and 17, Mathews et al. (USPUB 2003/0098879) discloses for each available test system, determining a plurality of attributes of said respective available test system. (Win NT, WIN 2000, Unix; Fig 1)(location; fig 2) Test performed in different locations and on different operating systems constitutes a plurality of attributes.

With regards to claims 3, 10, and 18, Mathews et al. (USPUB 2003/0098879) discloses keeping track of a status of each test case. (Page 4, Paragraph 0027, line 19)

With regards to claims 4, 11 and 19, Mathews et al. (USPUB 2003/0098879) discloses completing said testing task when test cases that could have run on said available test systems have finished running. (110; fig 3)

With regards to claim 5, 12 and 20, Mathews et al. (USPUB 2003/0098879) discloses displaying results of said test cases. (Page 4, Paragraph 0029, lines 4-5)(fig 2)

With regards to claims 6, 13 and 21, Mathews et al. (USPUB 2003/0098879) discloses automatically selecting and starting test cases to run includes: for each test case, creating a real test system name file. (52;fig. 2)

With regards to claims 7, 14 and 22, Mathews et al. (USPUB 2003/0098879) discloses initializing a work directory (set of files) for each test case. (Page 3, paragraph 3, lines 7-11)

With regards to claim 15, Mathews et al. (USPUB 2003/0098879) discloses system comprising:

a plurality of available test systems; (Refer to figure 1)
a controller for controlling said available test systems ;(24; Refer to figure 1) and
a test driver (24;fig 1) for receiving a plurality of test cases, each test case including a plurality of requirements for running said respective test case,(winNT, Win200,UNIX; (32;fig 1)

wherein said test driver matches said available test systems with said test cases based on said requirements, (fig1) and wherein said test driver selects and starts test cases to run so that as many test cases as possible are run in parallel based on said available test systems and said requirements, and wherein when any test case finishes, a test system of said finished test case is released to said plurality of available test systems. (Page 3, Paragraph 0020)(fig 3)

With regards to claim 16, Mathews et al. (USPUB 2003/0098879) discloses when any test case finishes running and releases a test system to said group of available test systems, said test driver selects and starts an additional test case to run if possible based on said respective requirements and said available test systems. (Page 3, Paragraph 0020, lines 7-11)(fig 3)

Response to Arguments

4. Applicant's arguments filed 3/14/2008 have been fully considered but they are not persuasive.

Applicant is reminded that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance applicant argues that the prior art of record does not teach:

1) automatically selecting and starting test cases when any test case finishes and starting additional test cases. (Page 3, Paragraph 0021, lines 21-24)(108,112,114,120; figure 3) The cited paragraph teaches automation and the referenced figure clear shows start additional test cases once a previous test cause has been completed.

2) examiner selectively uses different embodiments of the Mathews reference in order to meet the claimed features. It would be well within scope of the prior art to use different embodiments together in order to arrive at the claimed invention. The

disclosure is considered as whole and variations/alterations taught within the disclosed invention are within the scope of the disclosure. (Page 5, paragraph 0034)

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Parker et al. (USPN 5,600,789) teaches automated GUI interface testing.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

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9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/AB/
Examiner, Art Unit 2863
June 14, 2008

/John E Barlow Jr./
Supervisory Patent Examiner, Art
Unit 2863